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PATENT  
ATTORNEY DOCKET NO.: 049050-5008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
James FRISKEL )  
 )  
Application No.: 09/620,171 )  
 )  
Filed: July 19, 2000 )  
 )  
For: MESSAGING SYSTEM FOR )  
INDICATING STATUS OF A SENDER )  
OF ELECTRONIC MAIL AND )  
METHOD AND COMPUTER )  
PROGRAM PRODUCT THEREFOR )

Group Art Unit: 2756 2152

Examiner: Unassigned

Commissioner for Patents  
Washington, D.C. 20231

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NOV 13 2001  
Technology Center 2100

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

A copy of the listed documents are attached. Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

The listed documents were cited in a PCT International Search Report dated October 18, 2001, for a corresponding PCT application. A copy of the Search Report is enclosed for the Examiner's consideration.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of these documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: \_\_\_\_\_

Todd P. Taylor  
Reg. No. 48,513

Dated: November 8, 2001

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1800 M Street, N.W.  
Washington, D.C. 20036-5869  
(202) 467-7000